IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.11 OF 2007

IN

TESTAMENTARY SUIT NO.24 OF 2006

IN

PETITION NO.518 OF 2003

Naraindas Vensimal Harjani. ...Plaintiff.

vs.

1.Mr.Prem Bhagwandas Harjani & others. ...Defendants.

And

Chandiram Vensimal. ...Respondent

Mr.Shailesh Shah i/b. M/s.Haridas & Co., for Plaintiff.

Mr.S.S.Purohit i/b. M/s.I.R.Joshi 7 Co., for Defendants in support.

CORAM: D.K.DESHMUKH,J.

DATED: 15th February, 2007.

P.C.:-

1. This is a notice of motion taken out by the defendants in a Testamentary suit. The learned Counsel appearing for defendants

states that the notice of motion has been taken out for temporary injunction under the provisions of Order 39 Rule 1(a) of the Civil Procedure Code. The testamentary suit is for probate of the Will. Under Order 39 Rule 1(a) of C.P.C. order of temporary injunction can be made in relation to the property which is subject matter of the suit. In a testamentary suit the subject matter is the Will of
which the probate is sought and not any property, and therefore, the provisions under which this application has been made is not applicable. The notice of motion is therefore, rejected.